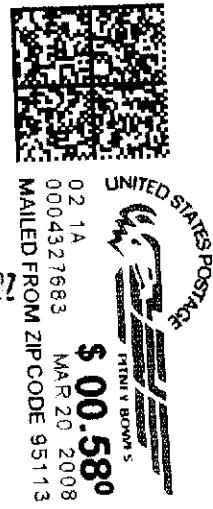


OFFICE OF THE CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
280 SOUTH FIRST STREET, ROOM 2112
SAN JOSE, CALIFORNIA 95113-3095

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



Prison Camp
675 8th Street Camp Parks
Dublin, CA 94568

APR 11 D 15
2008

FILED

Court

1

2

3

4

5

6

7

8 NOT FOR CITATION

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11

12 DIANNA CONTORELLI, } No. C 07-4522 JF (PR)
13 Petitioner, } ORDER OF DISMISSAL
14 vs. }
15 SHELIA A. CLARK, Warden, }
16 Respondents. }
17

18 Petitioner, a federal prisoner incarcerated in Dublin, California, filed this pro se
19 habeas corpus petition pursuant to 28 U.S.C. § 2241 challenging the execution of her
20 federal sentence. She has paid the filing fee.

21 **BACKGROUND**

22 In 2004, petitioner was convicted of drug trafficking offenses in the United States
23 District Court for the Southern District of California. On February 9, 2006, she was
24 sentenced to 53 months in federal prison, and her projected release date is July 27, 2008.
25 Pursuant to Bureau of Prisons ("BOP") regulations, codified at 28 C.F.R. §§ 570.20 and
26 570.21, allowing her transfer to a Community Corrections Center ("CCC") when ten
27 percent of her sentence remains, BOP officials have designated her for placement at a
28 CCC on March 10, 2008. Plaintiff claims she was entitled to placement in a CCC sooner,

1 on January 27, 2008.

2 **DISCUSSION**

3 This Court may entertain a petition for writ of habeas corpus "in behalf of a person
4 in custody pursuant to the judgment of a State court only on the ground that he is in
5 custody in violation of the Constitution or laws or treaties of the United States." 28
6 U.S.C. § 2254(a); Rose v. Hodges, 423 U.S. 19, 21 (1975). A district court shall "award
7 the writ or issue an order directing the respondent to show cause why the writ should not
8 be granted, unless it appears from the application that the applicant or person detained is
9 not entitled thereto." 28 U.S.C. § 2243.

10 Petitioner claims she is entitled to serve up to six months of her sentence at a CCC,
11 beginning as early as January 27, 2008, instead of the four and one half months the BOP
12 has allotted to her. The petition indicates that she was transferred to a CCC on March 10,
13 2008, where she is now serving the remainder of her sentence.¹ Article III, § 2, of the
14 Constitution requires the existence of a case or controversy through all stages of federal
15 judicial proceedings. This means that, throughout the litigation, the plaintiff "must have
16 suffered, or be threatened with, an actual injury traceable to the defendant and likely to be
17 redressed by a favorable judicial decision." Lewis v. Continental Bank Corp., 494 U.S.
18 472, 477 (1990). Here, the relief petitioner seeks is an order to the BOP to "consider the
19 appropriateness of transferring the petitioner to a community confinement center" earlier
20 than March 10, 2008. However, now that March 10, 2008 has passed and Petitioner has
21 commenced her stay at the CCC, no further relief can be provided to Petitioner by the
22 BOP or by the Court based on the claims set forth in the petition. As a result, even if
23 Petitioner could demonstrate that she suffered an injury, the petition is now moot because
24 there is no relief that can be provided to Petitioner for such injury. Accordingly, the
25 petition will be dismissed.

26 //

27
28 ¹As noted, her sentence expires on July 27, 2008.

CONCLUSION

The petition for writ of habeas corpus is DISMISSED as moot.

The Clerk shall terminate any pending motions and close the file.

IT IS SO ORDERED.

DATED: 3/14/08

JEREMY FOGL
United States District Judge

1 A copy of this ruling was mailed to the following:

2 Dianna Contorelli
3 41218-179
4 Federal Prison Camp
5 5675 8th Street-Camp Parks
Dublin, CA 94568

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7

8 NOT FOR CITATION

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11

12 DIANNA CONTORELLI, } No. C 07-4522 JF (PR)
13 Petitioner, } JUDGMENT
14 vs. }
15 SHELIA A. CLARK, Warden, }
16 Respondents. }

17 The Court has dismissed the instant action as duplicative. A judgment of dismissal
18 is entered. The Clerk shall close the file.

19 IT IS SO ORDERED.

20 DATED: 3/14/08



JEREMY FOGEL
United States District Judge

21

22

23

24

25

26

27

28

1 A copy of this ruling was mailed to the following:

2 Dianna Contorelli
3 41218-179
4 Federal Prison Camp
5 5675 8th Street-Camp Parks
Dublin, CA 94568

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28